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PATRICK E. DUFFY
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

LONITA ELIZABETH LEE-DALTON,)	CV 06-42-H-RKS
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
MICHAEL CHERTOFF, Secretary and)	
DEPARTMENT OF HOMELAND SECURITY,)	
)	
Defendants.)	
_____)	

Plaintiff Lee-Dalton filed this action in August 2006. She was granted in forma pauperis status on September 7, 2006 and was instructed to submit an amended complaint, which she did on October 10, 2006. On November 3, 2006, Plaintiff Lee-Dalton was ordered to supply the Court with notice of the Defendants' addresses on or before December 1, 2006. The Court then issued an Order requiring the Plaintiff to provide the notice or show cause why her case should not be dismissed on or before January 4, 2007. Plaintiff has not responded.

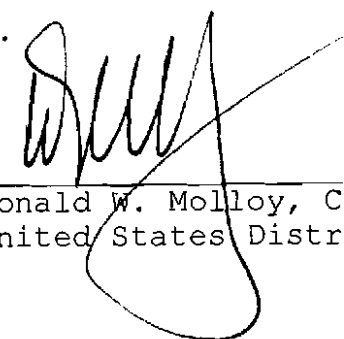
Magistrate Judge Keith Strong entered Findings and Recommendations in this matter on March 21, 2007, in which he

recommends dismissal of the Complaint for failure to prosecute under Fed. R. Civ. P. 41(b). Plaintiff did not timely object and so has waived the right to de novo review of the record. 28 U.S.C. § 636(b)(1). This Court will review the Findings and Recommendation for clear error. McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Strong weighed the five factors to be considered in deciding whether to dismiss for failure to prosecute, as set out in Paqtalunan v. Galaza, 291 F.3d 639, 642 (9th Cir. 2002). The factors are the interest in expeditious resolution of cases; the Court's need to manage its docket; the prejudice to the Defendants and the availability of less drastic options; and the preference for resolution of cases on the merits. After considering these factors, Judge Strong recommended that this case be dismissed. I can find no clear error with Judge Strong's recommendation and therefore adopt it in full.

Accordingly, IT IS HEREBY ORDERED that the Amended Complaint is DISMISSED for failure to prosecute under Fed. R. Civ. P. 41(b).

DATED this 3rd day of May, 2007.


Donald W. Molloy, Chief Judge
United States District Court